

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent of: Chilimbi et al.

Patent No. 7,587,709

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RUNTIME MONITORING AND
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Attorney Reference No. 3382-66135-01

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COMMISSIONER FOR PATENTS

**REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT
IN VIEW OF *WYETH v. KAPPOS*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010)**

Patentee hereby requests recalculation of the Patent Term Adjustment (PTA) under 35 U.S.C. § 154(b) indicated on the above-identified patent. The patentee's sole basis for requesting the recalculation is the USPTO's Pre-Wyeth interpretation of 35 U.S.C. § 154(b)(2)(A).

Patentee makes this request without a fee as an alternative to the petition and fee required by 37 C.F.R. § 1.705(d).

This request is being submitted within 180 days of the issuance of the referenced patent.

Patentee understands that no fee is required. However, if a fee is required, please charge any such fees in connection with filing this petition to Deposit Account No. 02-4550.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 595-5300
Facsimile: (503) 595-5301

By



A. Jonathan Vance
Registration No. 56,258

cc: Docketing